

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOC AVIATION LIMITED,	:
Plaintiff,	Case No. 22 Civ. 2070 (LJL)
	:
- against -	:
	:
AIRBRIDGECARGO AIRLINES, LLC, and	<u>ORDER TO SHOW CAUSE</u>
VOLGA-DNEPR LOGISTICS B.V.,	:
	:
Defendants.	:
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NOTICE:

THE PURPOSE OF THIS HEARING IS TO PUNISH THE ACCUSED FOR A CONTEMPT OF COURT, AND THAT SUCH PUNISHMENT MAY CONSIST OF FINE, IMPRISONMENT, OR BOTH, ACCORDING TO LAW.

WARNING:

YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR CONTEMPT OF COURT.

Upon the Declaration of Nikolay Sarandiev, executed on November 23, 2022, and the exhibits annexed thereto, the Declaration of John G. McCarthy, executed on November 23, 2022, and the exhibits annexed thereto, the Declaration of Brian Devine, executed on November 23, 2022, and the exhibits annexed thereto, the accompanying memorandum of law, and all prior pleadings and proceedings heretofore had herein, it is

ORDERED, that defendants AirBridgeCargo Airlines LLC (“AirBridge”) and Volga-Dnepr Logistics, B.V. (“Volga-Dnepr”) [together, “Defendants”] show cause before the Honorable Lewis J. Liman of this Court, at Room 15C, at the United States District Courthouse, located at 500 Pearl Street, New York, New York, on December ___, 2022 at _____.m. why an order should not be entered:

- (i) Holding Defendants in contempt of this Court’s Preliminary Injunction issued orally

- on November 16, 2022 and in writing by Order dated November 21, 2022 (ECF No. 70) (collectively the “November Preliminary Injunction”) for failing to transfer title to two replacement engines to BOCA by November 21, 2022;
- (ii) Imposing upon Defendants a daily fine of \$100,000 payable to BOCA with the daily fine increasing by \$50,000 each day until Defendants submit sufficient proof that they are in compliance with the November Preliminary Injunction;
 - (iii) Holding AirBridge in contempt of this Court’s *Ex Parte* Order For Immediate Possession Of Aircraft And Injunction entered March 14, 2022 (ECF Nos. 12 and 26) (the “March Order”) for failing to turn over to BOCA hard copies of the Aircraft Documentation in their possession and to provide to BOCA the executed Lessor’s statements of no accidents or incidents;
 - (iv) Imposing upon AirBridge a daily fine of \$30,000 payable to BOCA, with the daily fine to double each week until AirBridge submits sufficient proof that it is in compliance with the March Order by delivering to BOCA certified electronic copies of the executed Lessor’s statements of no accidents or incidents;
 - (v) Awarding BOCA its damages, reasonable attorneys’ fees and costs incurred in connection with this application; and
 - (vi) For such other relief as the Court deems just and proper.

ORDERED, that a copy of this Order, together with copies of the papers upon which it is based, shall be served upon Defendants by email to their counsel, Patrick Train-Gutierrez of McGrail & Bensinger LLP (ptrain-gutierrez@mcgrailbensinger.com), 888-C Eighth Avenue #107, New York, NY 10019, on or before November __, 2022 at _____.m., and that such service shall be deemed good and sufficient; and it is further

ORDERED that opposition papers, if any, shall be filed on or before November ____, 2022; and it is further

ORDERED that reply papers, if any, shall be filed and served on or before _____, 2022.

Dated: New York, New York
November ____, 2022

SO ORDERED

LEWIS J. LIMAN, U.S.D.J.